

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Ronald W. Colley,)	
)	C/A No. 2:09-1313-MBS
Plaintiff,)	
)	
vs.)	ORDER
)	
W.G. Connors and Leon Lott,)	
)	
Defendants.)	
_____)	

Plaintiff Ronald W. Colley, proceeding pro se, filed this action in the Court of Common Pleas for Richland County, South Carolina, on April 20, 2009, alleging that Defendants violated his constitutional rights. Plaintiff also alleged state law claims for negligence, false arrest, and defamation. Defendants removed the action to this court on May 19, 2009. An attorney made an appearance on behalf of Plaintiff on June 9, 2009. Counsel for Plaintiff filed an amended complaint on July 8, 2010, alleging causes of action under 42 U.S.C. § 1983 (violation of the Fourth Amendment); malicious prosecution, battery, false arrest, and negligence.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Robert S. Carr for pretrial handling. On May 21, 2010, Plaintiff filed a motion to dismiss his federal claims (Entry 32). On June 17, 2010, Defendants filed a response in support of Plaintiff's motion. On June 18, 2010, the Magistrate Judge issued a Report and Recommendation in which he recommended that Plaintiff's motion to dismiss federal claims be granted.¹ The Magistrate Judge further recommended that the court decline to exercise jurisdiction

¹ In the conclusion of the Report and Recommendation, the Magistrate Judge inadvertently recommended that Defendants' motion to dismiss be granted. Entry 34, 2.

over Plaintiff's state law claims. See 28 U.S.C. § 1367(c). No party filed objections to the Magistrate Judge's Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record and adopts the Magistrate Judge's recommendation that Plaintiff's motion to dismiss federal claims (Entry 32) be granted and that the court decline to exercise jurisdiction over Plaintiff's remaining state law claims. The case is remanded to the South Carolina Court of Common Pleas for Richland County to allow Plaintiff to pursue his state law causes of action.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

July 19, 2010.